United States District Court

WESTERN DISTRICT OF MICHIGAN

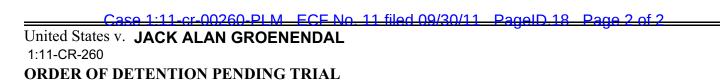
UNITED STATES OF AMERICA

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ORDER OF DETENTION PENDING TRIAL

ACK ALAN GROENENDAL	Case Number:	1:11-CR-260

JA	UN A	ALAN GROENENDAL
requ	In a	ccordance with the Bail Reform Act, 18 U.S.C.§3142(f), a detention hearing has been held. I conclude that the following facts detention of the defendant pending trial in this case.
		Part I - Findings of Fact
	(1)	The defendant is charged with an offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is
		a crime of violence as defined in 18 U.S.C.§3156(a)(4).
		an offense for which the maximum sentence is life imprisonment or death.
		an offense for which the maximum term of imprisonment of ten years or more is prescribed in
		a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C.§3142(f)(1)(A)-(C), or comparable state or local offenses.
	(2)	The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local
	(3)	offense. A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).
	(4)	Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an)other person(s) and the community. I further find that the defendant has not rebutted this presumption.
		Alternate Findings (A)
Ш	(1)	There is probable cause to believe that the defendant has committed an offense
		for which a maximum term of imprisonment of ten years or more is prescribed in
	(2)	under 18 U.S.C.§924(c). The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.
_		Alternate Findings (B)
	(1)	There is a serious risk that the defendant will not appear.
X	(2)	There is a serious risk that the defendant will endanger the safety of another person or the community.
		Defendant is charged with attempted receipt and possession of child pornography. Defendant is already on supervised release following conviction for another sex-related offense. He knows that as a condition of his supervised release that he is not to view child pornography or any pornography. Nevertheless, investigation shows that he has spent numerous hours either in the early morning or during the weekends, viewing pornography. At least some of it is child pornography. At the same time, he purports to be going through relapse prevention and other counseling. He has not disclosed at that counseling his current behavior.
		Part II - Written Statement of Reasons for Detention
find that	t the o	credible testimony and information submitted at the hearing establishes by clear and convincing evidence that
acces reviev	s chil v, he l	n or combination of conditions will assure the safety of the community from the defendant's continued attempt to d pornography. Having been convicted of a sex-related offense, and while knowing his computer is subject to has nevertheless engaged in further attempts to view pornography, either in direct derogation of the court's order his behavior is so compulsive he cannot stop doing it. Clearly, issuing a further (continued on attachment)
		Part III - Directions Regarding Detention
facility defend	sepa	endant is committed to the custody of the Attorney General or his designated representative for confinement in a correction rate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The pall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United hal for the purpose of an appearance in connection with a court proceeding. DEFENDANT IS TO HAVE NO
ACC:	ESS	TO A COMPUTER OR PORNOGRAPHY.
Date	ed: So	eptember 23, 2011 /s/ Hugh W. Brenneman, Jr.
		Signature of Judicial Officer
		Hugh W. Brenneman, United States Magistrate Judge
		Name and Title of Indicial Officer



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Alternate Findings (B) - (continued)

order to cease this behavior would be meaningless. Only by placing the defendant in a facility where he has no access to computers can this behavior be stopped. The on-line demand for child pornography, of course, creates a market, the needs of which will result in further child abuse to supply that market.

Part II - Written Statement of Reasons for Detention - (continued)